

REMARKS

This is a full and timely response to the outstanding final Office Action mailed September 21, 2005 (Paper No. 09082005). Upon entry of this response, claims 41, 43, 45, 47-48, 50, 52, 54-55, 57, 59, and 61 are pending in the application. In this response, claims 45, 52, 55, and 59 have been amended, and claims 42, 44, 46, 49, 51, 53, 56, 58, and 60 have been cancelled. Applicants respectfully request that the amendments being filed herewith be entered and that there be reconsideration of all pending claims.

1. Rejection of Claims 42, 44, 46, 49, 51, 53, 56, 58, and 60 under 35 U.S.C. § 112, First Paragraph

Claims 42, 44, 46, 49, 51, 53, 56, 58, and 60 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully disagree, and traverse this rejection. However, in order to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application, claims 42, 44, 46, 49, 51, 53, 56, 58, and 60 are cancelled without prejudice, waiver, or disclaimer. The rejection of these claims is therefore rendered moot.

Applicants reserve the right to pursue the subject matter of these cancelled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the cancelled subject matter to the public. Applicants expressly reserve the right to present cancelled claims 42, 44, 46, 49, 51, 53, 56, 58, and 60, or variants thereof, in continuing applications to be filed subsequent to the present application.

2. Rejection of Claims 41, 43-45, 48, 50-52, 55, and 57-59 under 35 U.S.C. §102

Claims 41, 43-45, 48, 50-52, 55, and 57-59 have been rejected under §102(e) as allegedly anticipated by *Grabelsky et al.* (U.S. 6,678,250). Applicants respectfully traverse this rejection.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

a. Claims 41, 48, and 55

Claims 41 and 48 have been amended to recite “intercepting a first RTCP sender report sent from the first endpoint to the second endpoint, and a first RTCP receiver report sent from the second endpoint to the first endpoint, each first report transiting through the media router.” Claim 55 has been amended to recite “a processor that is programmed by the program code to enable the apparatus to intercept a first RTCP sender report sent from the first endpoint to the second endpoint, and a first RTCP receiver report sent from the second endpoint to the first endpoint, each first report transiting through the media router.”

Applicants respectfully submit that *Grabelsky et al.* fails to teach, disclose or suggest at least these features. *Grabelsky et al.* discloses a system that includes gateways 20-23. “Depending on whether a session member is a sender or a receiver, it periodically transmits an SR or RR messages to all other session members (one only, in a simple two-way VoIP telephone call). Thus, each session member periodically receives a SRs or RRs from each other session member.” (Col. 6, lines 11-16.)

Grabelsky et al. thus discloses a conventional RTCP arrangement, where gateway 20 and gateway 22 each act as an endpoint for RTCP reports flowing between peers: gateway 20 generates a sender report and transmits it to gateway 22; gateway 22 generates its own sender report and transmits it to gateway 20. Importantly, *Grabelsky et al.* does not describe a system in which a gateway intercepts a report sent from one gateway to another gateway.

In contrast, claims 41 and 48 recite “intercepting a first RTCP report sent from the first endpoint to the second endpoint.” Claim 55 uses the same verb “intercept.” Although a gateway in *Grabelsky et al.* receives a RTCP report from its peer, “receiving” is not equivalent to “intercepting.”

Claims 41, 48, and 55 include other features which clarify the meaning of the meaning of “intercepting”: specifically, “each first report transiting through the media router.” Even if the verb “intercepting” is broadly interpreted to cover mere reception, a “RTCP sender report” which is received by gateway 20 in *Grabelsky et al.* does not “transit through the media router.” The gateway receiver of a report in *Grabelsky et al.* acts on the information contained in the report, and the gateway may generate another (different) report. The gateway acts as a sink or endpoint for each received report, and thus a report does not “transit *through*” the gateway.

For at least the reason that *Grabelsky et al.* fails to disclose, teach or suggest the above-described features, Applicants respectfully submit that *Grabelsky et al.* does not anticipate claims 41, 48, and 55. Therefore, Applicants request that the rejection of claims 41, 48, and 55 be withdrawn.

b. Claims 42, 44, 46, 49, 51, 53, 56, 58, and 60

Claims 42, 44, 46, 49, 51, 53, 56, 58, and 60 are cancelled without prejudice, waiver, or disclaimer, and the rejection of these claims is therefore rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these cancelled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the cancelled subject matter to the public. Applicants expressly

reserve the right to present cancelled claims 42, 44, 46, 49, 51, 53, 56, 58, and 60, or variants thereof, in continuing applications to be filed subsequent to the present application.

c. Claims 43, 45, 50, 52, 57, and 59

Since claims 41, 48, and 55 are allowable, Applicants respectfully submit that claims 43, 45, 50, 52, 57, and 59 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 43, 45, 50, 52, 57, and 59 be withdrawn.

3. Rejection of Claims 47, 54, and 61 under 35 U.S.C. §103

Claims 47, 54, and 61 have been rejected under §103(a) as allegedly obvious over *Grabelsky et al.* (6,678,250). Applicants respectfully traverse this rejection. Since claims 41, 48, and 55 are allowable, Applicants respectfully submits that claims 47, 54, and 61 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 47, 54, and 61 be withdrawn.

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 41, 43, 45, 47-48, 50, 52, 54-55, 57, 59, and 61 be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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